



Appeal Decision

Site visit made on 19 February 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2024

Appeal Ref: APP/W1715/W/23/3321290

23 Oatlands Road, Botley, Southampton SO32 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Adam Eldridge against the decision of Eastleigh Borough Council.
 - The application Ref is F/22/94200.
 - The development proposed is construction of detached three bedroom dwelling with parking, amenity space and creation of new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) and the 2022 Housing Delivery Test. At my request, the Council provided what it considers to be its current housing land supply position and documents relevant to protected habitat sites referred to in reason for refusal 3 in its decision notice, copied to the appellants. I have taken these into account in determining the appeal.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the local area; and
 - its effect on the living conditions of future occupiers of the dwelling, having regard to external amenity space.

Reasons

Character and appearance

4. The appeal site, No.23 Oatlands Road, contains a detached house with detached outbuilding on one side facing this road with a long, rectangular shaped rear garden behind. Dwellings along both sides of this section of this road and in the surrounding local built-up area vary in age and design but are mostly detached houses or chalet bungalows. They are in rows facing roads with mainly similar rear gardens, many with small domestic ancillary outbuildings. On the other side of No.23, the garden of the dwelling at No.25 Oatlands Road turns a corner into Maddoxford Lane next to other dwellings facing that road, some sited more in-depth which wrap around to the rear of No.23. Though not in a conservation area this regimented pattern and layout

of frontage residential development with spacious, open rear gardens behind is locally distinctive.

5. The side outbuilding would be demolished to create a private drive past No.23 with the end of the rear garden sub-divided and redeveloped with a flat roofed single-storey dwelling in its own plot. The modest size and subordinate contemporary flat roofed design would give it the impression of an outbuilding.
6. However, in use as a dwelling, this structure would not be part of any row of dwellings in Oatlands Road, nor would it face onto any road or be part of a streetscene. The residual plot and rear garden of No.23, though wide would be notably shorter and smaller in area than most of the dwellings near it, including a similar run of gardens next to it on one side. The new garden would be much shorter and smaller in area still, with a large part of the new plot taken up by the footprint of the dwelling or parking and turning space. There would be development across most of both of these plots close to site boundaries and dwellings on three sides. Albeit still resulting in a low density of development in the local area overall, both dwellings would nonetheless appear cramped on each plot and in relation to this existing residential development.
7. The other individual dwellings in backland or tandem infill sites that I have been referred to do not sit in such small sites, are not close to all site boundaries or are not closely or extensively surrounded by existing dwellings¹. Those generally therefore have a more spacious arrangement, at least in part. There is some larger scale housing development in cul-de-sacs or conventional estates, such as at Wallace Avenue. But the size of those plots and layout of dwellings is relative to each respective planned development. Whereas a single new dwelling inserted into an existing residential environment, as in this case, can individually and cumulatively result in material piecemeal or incremental adverse change. These examples are not therefore directly comparable to this appeal. Nor do they anyway establish a prevailing type of development in this local area that should be repeated because this would unduly undermine the essence of that which exists.
8. Accordingly, the proposal fails to respect important aspects of the most relevant established residential development around it and, as such, would be out of keeping and incompatible with its prevailing pattern and layout. While the position and size of the dwelling or garden would not jar in any significant public views, its presence and use would be plain to occupiers of adjoining properties as something innately different to a domestic outbuilding. The absence of greater public visibility does not mitigate or overcome the intrinsic adverse impacts outlined above.
9. As a result, I find that the proposal would have an undesirable adverse impact on the character and appearance of the local area. Consequently, it is contrary to Policy DM1 of the Eastleigh Borough Local Plan, April 2022 (the LP). This policy includes that development should take account of site context and be compatible with adjoining buildings and uses in siting and layout so not have an unacceptable impact on the character and appearance of urban areas. This conflict is amplified by relevant parts of the 'site context' and 'layout' chapters of the Council's 'Quality Places' Supplementary Planning Document, November 2011 (the SPD).

¹ No.1 and Nos.18-20 Oatlands Road, 21 Crows Nest Lane and Thaxted and Field View on Winchester Road

Living conditions

10. The area of rear garden space in square metres would meet the SPD required equivalent at least 60% of the floorspace of the dwelling. However, even if boundary hedgerow, trees or shrubs were appreciably cut back in depth and/or reduced in height to that required to maintain mutual privacy, including retaining tall fences or walls, the main part of the garden would still be very short in depth. This narrow corridor of mostly north facing land, sandwiched between these boundary features and a long, main elevation of the dwelling to eaves level would (despite the flat roof) have a high degree of enclosure and shade with significantly restricted daylight and sunlight. The rest of the garden would be even shorter and closer to similar features, so this part likely of little more practical use than for access or maintenance. While the garden would be quite wide in two directions across parts of the plot, the overall garden space would be two awkward L-shaped strips.
11. The appellants refer to 'shoebox size' rear gardens for 3-bedroom or larger dwellings at Wallace Avenue. Some of these gardens appear to be quite narrow and some may be relatively small in area. But, and also irrespective of orientation, most are reasonably long and/or regular in shape (square or rectangular). There is, therefore, no apparent reason why these gardens would not be appropriate in the context of that planned new greenfield housing development or provide satisfactory external amenity space. As such, they can be distinguished from the new garden in this appeal.
12. Consequently, the proposed garden would be overly restricted in orientation, proportions and layout. It would not, as a result, be conducive for most domestic use and activity normally associated with a family sized 3-bedroom dwelling, such as relaxation, entertaining and children's play or therefore meet these usual expectations in a suitable or appropriate way.
13. I therefore find that the proposal would have a significant adverse effect on the living conditions of future occupiers of the dwelling, having regard to external amenity space. As such, it is contrary to LP Policy DM1. This policy includes that development should not have an unacceptable impact on the residential amenities of new residents. This conflict is amplified by relevant parts of the 'residential amenity' chapter of the SPD.

Other Matters

European Sites

14. The site is within a zone of influence of habitat, including coast or water environments of the Solent, Southampton Water, River Itchen and New Forest National Park that is in Special Protection Areas, Special Areas of Conservation or Ramsar sites, internationally important for flora and fauna (the European Sites). Alone or in-combination with other development the proposal would have a likely significant effect on the integrity of the European Sites due to increased disturbance by the additional occupants of the dwelling visiting for recreation purposes, or nitrogen entering water environments via foul drainage networks and waste water treatment plants exacerbating eutrophication.
15. The appellants have provided an updated annual nutrient budget calculation and suggest that this matter and recreational impact on the European Sites could be addressed by a suitable planning condition(s). The Council has

referred to potential mitigation in these regards, including requisite financial contributions. It also considers that these measures could be secured by a suitable planning condition(s).

Other considerations

16. Subject to conditions, the dwelling could be built using high-quality, sustainable materials and be energy and water efficient. It would also make satisfactory provision for car and cycle parking and means of access and existing boundary planting could be retained at a suitable height and depth with appropriate new landscaping, including permeable paving and surface water soakaways. The proposal would not have any material adverse effect on the living conditions of the existing occupiers of any dwelling. The absence of harm in these regards is a neutral factor in my decision.

Previous application

17. I appreciate that the proposal is a revised scheme further to the Council's refusal of a previous similar application². I have, though, determined the appeal on its individual planning merits.

Planning Balance

18. The Council considers that it can demonstrate a five year supply of deliverable housing sites, at 5.1 years, against its housing requirement including appropriate buffer based on the most recent objective published document³. It also meets the 2022 Housing Delivery Test. The appellant has not suggested otherwise. On this basis by virtue of Framework footnote 8, paragraph 11 d) and the presumption in favour of sustainable development (the 'tilted balance') is not engaged in this case. The site is a residential garden in a built-up area so by definition it is not previously developed 'brownfield' land⁴. There is no objective evidence that 'the largest need' is for 3-bedroom dwellings or that, albeit small, this type of dwelling would be affordable so 'help family members onto the housing ladder'.
19. This small windfall site is, though, located where residential development is acceptable in principle. A family sized 3-bedroom dwelling could be built out relatively quickly and contribute towards meeting the Council's housing requirement. Subject to conditions the proposal would achieve biodiversity enhancement and net gains at the site. These outcomes would be aligned with objectives of the Framework to significantly boost the supply of homes, meet peoples living needs (including families), make efficient use of land for housing in urban areas and conserve the natural environment. Though important, these would be small social and environmental benefits from a single dwelling so each has limited weight in support of the proposal.
20. On the other hand, the proposal would cause unacceptable harm to the character and appearance of the local area and to certain essential living conditions of future occupiers of the dwelling. This would undermine the Council's development plan objectives in these respects. They are broadly consistent with aims of the Framework to achieve well-designed places; including that development should add to the overall quality of the area,

² Ref F/22/93238

³ Calculation of Five-Year Housing Land Supply, August 2022 – prepared by Hampshire County Council

⁴ Framework Annex 2: Glossary

be sympathetic to local character and surrounding built environment and maintain a strong sense of place using the arrangement of streets, building types and layout to create attractive, distinctive places to live. In addition, to ensure a high standard of amenity for future users of development.

21. In my view, the support in the Framework to delivering housing is not at the expense of ensuring that residential development, as in this case, is suitable and appropriate in the above respects and does not cause unacceptable harm. As such, each of these environmental and social considerations has significant weight against the proposal.
22. The benefits of granting planning permission do not, therefore, outweigh the harm. As the competent authority in this appeal it would ordinarily be necessary for me to undertake Appropriate Assessment with regard to the European Sites⁵. However, since I intend to dismiss the appeal, even if the proposal did not harm the nature conservation objectives of the European Sites, so not adversely affect their integrity, there is no need for me to consider this issue any further because it would not affect my decision or alter the outcome of the appeal.

Conclusion

23. The proposal conflicts with the development plan overall and with relevant provisions of the Framework. There are no other material considerations to indicate that the decision should be taken other than in accordance with the development plan⁶. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

Robin Buchanan

INSPECTOR

⁵ Conservation of Habitats and Species Regulations 2017 (as amended)

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and Framework paragraph 12